

From: Micah Quinn
To: Microsoft ATR
Date: 12/17/01 3:42pm
Subject: Microsoft Settlement

My correspondance with you today is in response to a call for public comment on the proposed Microsoft Settlement.

I am the president of a small software development company in Houston, Texas. We develop web-based applications that employ open-source tools including the Linux OS, the Apache web server, and the PERL scripting language. I write to you today because I believe my perspective as a technical professional in the computer industry and my experience with my customers over the past four years may help to support the position that an expeditious, rather than a settlement that addresses the monopolist abuse perpetrated by Microsoft will do further damage to an industry that has already seen abusive use of a monopolist position.

The proposed relief settlement may have been appropriate in reducing monopolist abuse six or seven years ago when competitive products such as office suites and web browsers existed, but today it would serve as a "20-20 hindsight" commentary on monopolist abuse.

One example of the direct damages incurred on consumers and my customers is the inability to deploy alternative desktop solutions to a purely Microsoft based environment. The solution is not infeasable because of any technical deficiency in alternatives or lack of functionality, but rather becuse of a monopolist abuse of proprietary file formats. The Microsoft Office suite changes file formats routinely to prevent competitive office suites from succesfully implementing import filters for those formats. The proposed settlement includes a remedy for this situation, but does so a Microsoft's discession. This power to decide what information and to what extent it is made available is exactly the abuse that has damaged the free and open software marketplace. By routinely changing published standards and advertised intentions to keep their competitors one step behind.

In a truly free and openly competitive marketplace, a company would /* never*/ change their file formats so radically, but rather work to support third-party filters and products to allow consumers to more easily manipulate their data. The remedy does nothing to insure that Microsoft will not continue their abuse of these notorious strongholds.

My customers routinely ask me for alternatives to the high cost of proposed Microsoft solutions and for the time being we are able to offer such solutions in limited cases. However, these limited cases too are falling into peril as Microsoft continues to abuse industry standards.

One of my customers was recently quoted an e-mail system costing in excess of \$45,000 US to support roughly a 400 user community. Because

we were able to convince our customer to not restrict themselves by using Microsoft Outlook clients, we were able to implement an competitive solution for \$2500 US.

The entire project, however, was predated on the customer not using Microsoft Outlook's group calendaring features. Had they insisted on that their business need for group calendaring be based on Microsoft Outlook, then the ONLY usable solution would be Microsoft's Microsoft Exchange server. The protocols and formats used by the Exchange mail server are routinely changed, not well documented for third-party developers, and are not developed as an industry standard.

Forcing Microsoft to divulge its proprietary data formats means more than monitoring their license agreements with third-party companies at this point. To fix years of abuse, the information must be made, free of charge, to a wider group of software developers, thus helping to restore competitiveness to these areas of the industry. Making the information available free of charge will allow Microsoft's competitors to offer solutions that can co-exist with today's Microsoft dominated landscape.

If time and effort is not taken to thoroughly evaluate the repercussions of a hastily made settlement, the software industry will continue to wither in the hands of a monopoly company. Strength in our economy and society has been achieved through radical diversity. The software industry in years past has seen tremendous strides from it's diversity. Any entity that threatens that diversity by strangling competitors and prohibitively raising the barrier for the entry of new products must be seen as a threat and as destructive to our economy.

If Microsoft is not firmly held at bay until a monopoly no longer exists, competitive products and corporations such as mine will simply fail to survive. Not because they don't offer superior products or services, but because they cannot find entry into an industry that uses */*exactly one */* vendor for all of it's core software needs.

Thank you for your time.

Sincerely,

Micah T. Quinn

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Quinn Team Incorporated

Micah T. Quinn

President
